

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1121, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, between lines 33 and 34, begin a new paragraph and insert:
- 2 "Sec. 5. If the attorney general determines during an
- 3 investigation conducted under this chapter that there is reasonable
- 4 suspicion to believe that a person has committed identity deception
- 5 or a similar offense, the attorney general shall promptly notify a
- 6 law enforcement agency and the prosecuting attorney that have
- 7 jurisdiction over the person or offense."
- 8 Page 2, line 34, delete "Sec. 5." and insert "Sec. 6."
- 9 Page 3, line 5, delete "Sec. 6." and insert "Sec. 7."
- 10 Page 3, line 6, delete "5" and insert "6".
- 11 Page 3, line 8, delete "Sec. 7." and insert "Sec. 8."
- 12 Page 3, line 11, delete "Sec. 8." and insert "Sec. 9."
- 13 Page 3, delete line 41 through 42.
- 14 Page 4, delete lines 1 through 4.
- 15 Page 4, line 19, delete "synthetic identity deception (as defined in
- 16 IC 35-43-5-3.8),".

- 1 Page 4, between lines 26 and 27, begin a new paragraph and insert:
- 2 **"(c) If a data base owner makes a disclosure described in**
- 3 **subsection (a), the data base owner shall also disclose the**
- 4 **breach to the attorney general."**
- 5 Page 4, delete lines 27 through 42.
- 6 Page 5, delete lines 1 through 29.
- 7 Page 5, line 32, after "(a)" insert **"This section does not apply to a**
- 8 **data base owner that maintains its own data security procedures**
- 9 **as part of an information privacy, security policy, or compliance**
- 10 **plan under:**
- 11 **(1) the federal USA PATRIOT Act (P.L. 107-56);**
- 12 **(2) Executive Order 13224;**
- 13 **(3) the federal Driver's Privacy Protection Act (18 U.S.C. 2721**
- 14 **et seq.);**
- 15 **(4) the federal Fair Credit Reporting Act (15 U.S.C. 1681 et**
- 16 **seq.);**
- 17 **(5) the federal Financial Modernization Act of 1999 (15 U.S.C.**
- 18 **6801 et seq.); or**
- 19 **(6) the federal Health Insurance Portability and**
- 20 **Accountability Act (HIPAA) (P.L. 104-191);**
- 21 **if the data base owner's information privacy, security policy, or**
- 22 **compliance plan requires the data base owner to maintain**
- 23 **reasonable procedures to protect and safeguard from unlawful use**
- 24 **or disclosure personal information of Indiana residents that is**
- 25 **collected or maintained by the data base owner and the data base**
- 26 **owner complies with the data base owner's information privacy,**
- 27 **security policy, or compliance plan.**
- 28 **(b)".**
- 29 Page 5, line 37, delete "(b)" and insert "(c)".
- 30 Page 5, line 42, delete "(c)" and insert "(d)".
- 31 Page 5, line 42, after "that" insert **"knowingly or intentionally"**.
- 32 Page 6, line 1, delete "chapter" and insert **"section"**.
- 33 Page 6, line 2, delete "chapter" and insert **"section"**.
- 34 Page 6, line 3, delete "(d)" and insert **"(e)"**.
- 35 Page 6, line 3, delete "chapter" and insert **"section"**.
- 36 Page 6, between lines 10 and 11, begin a new paragraph and insert:
- 37 **"(f) A failure to comply with subsection (b) or (c) in connection**
- 38 **with related acts or omissions constitutes one (1) deceptive act."**

1 Page 8, between lines 20 and 21, begin a new line block indented
2 and insert:

3 **"This subdivision does not prohibit denial of credit or public**
4 **utility service if a consumer has placed a security freeze on**
5 **the consumer's consumer report and does not wish to**
6 **temporarily lift the freeze for purposes of the credit or public**
7 **utility service request or application."**

8 Page 12, between lines 35 and 36, begin a new paragraph and insert:

9 **"Sec. 2. As used in this chapter, "unit" refers to the identity**
10 **theft unit established under IC 4-6-13-2."**

11 Page 12, line 36, delete "Sec. 2." and insert "Sec. 3.".

12 Page 13, line 10, delete "Sec. 3." and insert "Sec. 4.".

13 Page 13, between lines 18 and 19, begin a new paragraph and insert:

14 **"(b) A person filing an application under subsection (a) shall file**
15 **a copy of the application with the unit. The unit may appear at and**
16 **present evidence in a hearing conducted under this section if the**
17 **unit determines that a court order declaring the applicant a victim**
18 **of identity theft would be inappropriate."**

19 Page 13, line 19, delete "(b)" and insert "(c)".

20 Page 13, line 23, delete "(c)" and insert "(d)".

21 Page 14, line 2, delete "(d) An" and insert **"(e) Except as provided**
22 **in subsection (h), an"**.

23 Page 14, line 20, delete "(e)" and insert "(f)".

24 Page 14, line 24, delete "(f) A" and insert **"(g) Except as provided**
25 **in subsection (h), a"**.

26 Page 14, line 25, delete "(d)(2)" and insert **"(e)(1)"**.

27 Page 14, line 27, delete "(d)(1)" and insert **"(e)(2)"**.

28 Page 14, between lines 29 and 30, begin a new paragraph and insert:

29 **"(h) The following information regarding an application filed**
30 **under this section may be released to the public:**

31 **(1) The name of the applicant.**

32 **(2) The county of residence of the applicant.**

33 **(3) Whether the application was approved or denied by the**
34 **court."**

35 Page 18, line 32, after "identifies" insert ":

36 **(1) a false or fictitious person; or**

37 **(2)".**

38 Page 18, line 33, after "information" insert ";

- 1 Page 18, line 33, beginning with "but" begin a new line blocked left.
- 2 Page 19, line 22, delete "of the person's child." and insert "**of a**
- 3 **person who is less than eighteen (18) years of age and is:**
- 4 **(A) the person's son or daughter;**
- 5 **(B) a dependent of the person;**
- 6 **(C) a ward of the person; or**
- 7 **(D) an individual for whom the person is a guardian.**
- 8 Page 20, line 3, delete "of another person".
- 9 Page 20, line 5, after "identity;" insert "**or**".
- 10 Page 20, line 6, delete "or".
- 11 Page 20, delete line 7.
- 12 Renumber all SECTIONS consecutively.
(Reference is to HB 1121 as introduced.)

and when so amended that said bill do pass.

Representative Dvorak